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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Flores et al.

Plaintiffs,

v.

NATIONAL RAILROAD
PASSENGER CORP. dba
AMTRAK, et al.,

Defendants.

Case No. 3:12:CV-686-MEJ

**STIPULATION AND ~~[PROPOSED]~~
ORDER TO CONTINUE DEADLINE
TO COMPLETE DISCOVERY**

Trial Date: August 26, 2013
Time: 9:30 a.m.
Dept.: Courtroom B, 15th Flr.
Judge: Hon. Maria Elena James

Pursuant to the Court's July 26, 2012 Case Management Order, all discovery, including depositions of expert witnesses, must be completed by February 19, 2013. Plaintiffs and Defendants, National Railroad Passenger Corp. ("Amtrak"), Union Pacific, and Monterey County, (collectively "Defendants") by and through their respective counsel, hereby stipulate and respectfully request to modify the Case Management Order. Good cause exists to continue the discovery completion deadline in order to facilitate further settlement discussions between parties, and accommodate the litigation schedules of all counsel involved in this case.

NOW, THEREFORE, subject to the Court's approval, the parties, through their counsel of record, stipulate, agree, and respectfully request that the following modifications to the Case Management Order shall be made:

1 1. That the Disclosure of Expert Witnesses be continued from January
2 25, 2013 to March 26, 2013;

3 2. That Disclosure of Rebuttal Expert Witnesses be continued from
4 February 4, 2013 to April 5, 2013;

5 3. The Discovery cut-off be continued from February 19, 2013 to April
6 26, 2013;

7 4. That the last day to file dispositive motions be continued from March
8 21, 2013 to May 20, 2013;

9 5. That the last day to hear dispositive motions be continued from April
10 25, 2013 to June 24, 2013;

11 6. That all other dates listed in the Case Management Order remain
12 unchanged. The initial pre-trial conference shall remain on July 25, 2013. The final
13 pre-trial conference shall remain on August 22, 2013, and trial shall remain
14 scheduled to commence on August 26, 2013.

15
16 Respectfully submitted,

17
18 **GREEN BRYANT & FRENCH, LLP**

19 Dated: December 11, 2012

/s/ Joel R. Bryant

20 Joel R. Bryant, Esq.

21 Jbryant@gbflawyers.com

22 Attorney for Plaintiffs

23 **CHARLES J. McKEE, COUNTY COUNSEL**

24 Dated: December 11, 2012

/s/ William M. Litt

25 William M. Litt

26 Deputy County Counsel

27 Attorney for Defendant, County of Monterey

LOMBARDI LOPER & CONANT

Dated: December 11, 2012

/s/ Vincent Castillo

Vincent Castillo

vcastillo@llcllp.com

Attorney for Defendants, Union Pacific Railroad

National Railroad Passenger Corporation

ORDER

PURSUANT TO STIPULATION, AND GOOD CAUSE APPEARING
THEREFORE, IT IS ORDERED THAT:

1. That the Disclosure of Expert Witnesses be continued from January 25, 2013 to March 26, 2013;

2. That Disclosure of Rebuttal Expert Witnesses be continued from February 4, 2013 to April 5, 2013;

3. The Discovery cut-off be continued from February 19, 2013 to April 26, 2013;

4. That the last day to file dispositive motions be continued from March 21, 2013 to May 20, 2013;

5. That the last day to hear dispositive motions be continued from April 25, 2013 to June 24, 2013;

6. That all other dates listed in the Case Management Order remain unchanged. The initial pre-trial conference shall remain on July 25, 2013. The final pre-trial conference shall remain on August 22, 2013, and trial shall remain scheduled to commence on August 26, 2013.

Dated: December 11, 2012



Hon. Maria Elena James

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was electronically sent via the Court's electronic case filing system on December 11, 2012 to counsel for Defendant.

GREEN BRYANT & FRENCH, LLP

Dated: December 11, 2012

/s/ Joel R. Bryant
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Attorney for Plaintiffs